

REMARKS

After entry of the above amendments, claims 1-3 and 6-13 will be pending in the present application. Claims 14-16 and 19-26 have been cancelled. The present claim cancellations are solely for facilitating expeditious prosecution of the present application. Thus, Applicant is not conceding that the subject matter encompassed by the claims as previously presented is not patentable over art cited by the Examiner. Applicant reserves the right to pursue claims directed to the subject matter encompassed by the claims as previously presented and any additional claims in one or more continuing and/or divisional applications.

In the Quayle action, the Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. The Examiner states:

A "computer readable medium" is claimed in Claims 14-16 and 19-26. However, the specification of the instant application does not provide an appropriate definition for a "computer readable medium."

(February 26, 2008 Quayle action, pg. 3).

Although Applicant has cancelled claims 14-16 and 19-26 from further consideration in this application, Applicant respectfully submits that the specification does provide proper antecedent basis for the claimed subject matter. In particular, the claims as originally filed with the application included "computer readable medium" claims. Additionally, Applicant respectfully submits that one skilled in the art readily understands the meaning and scope of the term "computer readable medium" and would not require a definition to be provided.

Further, M.P.E.P. § 2106.01 states:

[A] claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer

program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

(M.P.E.P. § 2106.01, 8th ed., Sept. 2007 rev.). Thus, “computer readable medium” claims, like “system” or “method” claims are statutory and should not require any particular definition.

Accordingly, based at least on the above, Applicant respectfully submits that the specification provides proper antecedent basis for the claimed subject matter and requests withdrawal of the objections to the specification.

CONCLUSION

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,
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